

DANIEL G. BOGDEN
United States Attorney
AMBER M. CRAIG
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-6698

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN ORTEGA,

Defendant.

2:13-cr-352-GMN-PAL

GOVERNMENT'S MOTION FOR
LEAVE TO FILE LATE RESPONSE
AND PARTIES' STIPULATION TO
CONTINUE GOVERNMENT'S
DEADLINE TO RESPOND TO
MOTION TO SUPPRESS

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and AMBER M. CRAIG, Assistant United States Attorney, and respectfully moves this Court for leave to file late responses to Defendant John Ortega's Motions to Suppress Evidence.

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United States of America, and Angela Dows, Esq., counsel for Defendant John Ortega, that the Government's deadline to respond to the Defendant's Motions to Suppress, currently set for May 12, 2014, be vacated and continued for thirty (30), or to a date to be set at the Court's convenience.

This stipulation is entered into for the following reasons:

1. Government and defense counsel agreed to stipulate to continue the Government's deadline to respond to the Defendant's Motions to Suppress. Government counsel was unexpectedly out of the office and was unable to prepare and file the stipulation before the deadline.

3. The Defendant is incarcerated and does not object to the continuance.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. This is the first request for a continuance filed herein.

DANIEL G. BOGDEN
United States Attorney

/s/ Amber M. Craig
AMBER M. CRAIG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Government and defense counsel agreed to stipulate to continue the Government's deadline to respond to the Defendant's Motions to Suppress. Government counsel was unexpectedly out of the office and was unable to prepare and file the stipulation before the deadline.

2. Government and defense counsel are engaged in plea negotiations which may result in the Defendant's moving to withdraw his Motions to Suppress. As such, additional time is necessary to allow counsel to pursue and finalize negotiations.

3. The Defendant is incarcerated and does not object to the continuance.

4. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this Stipulation is excludable in computing the time

7. within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18,

1 United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

2 **CONCLUSIONS OF LAW**

3 The ends of justice served by granting said continuance outweigh the best interest of the
4 public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely
5 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
6 within which to be able to effectively and thoroughly prepare for trial, taking into account the
7 exercise of due diligence.

8 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
9 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the Government's deadline to file its response to
12 Defendant's Motions to Suppress, currently scheduled for May 12, 2014, be vacated and continued
13 to the 13th day of June, 2014.

14 DATED this 9th day of June, 2014.

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17 HONORABLE PEGGY LEEN
18 UNITED STATES MAGISTRATE JUDGE
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